

Criminal Justice Services Board

Minutes

March 8, 2007

Members Present

Sheriff Beth Arthur
Ms. Nancy St. Clair Finch
The Honorable Robert L. Bushnell
Ms. Carol Sievers (Proxy for Ms. Helen Fahey)
Mr. Sherman Carl Vaughn, Sr.
Ms. Jerri Smith
Chief James R. Lavinder
Mr. Edward M. Macon
Ms. Cookie Scott
Mr. Barry Green
Dr. Jay Malcan
Mr. Jonathan McGrady
Colonel Steve W. Flaherty
Sergeant Charles J. Condon
Mr. Walter A. McFarlane
Chief A.M. "Jake" Jacocks
Mr. Alfred T. Dowe, Jr.
Sheriff Charles W. Phelps
Mr. Alan Katz (Proxy for Ms. Marla Decker)

Members Absent

Mr. Jeffrey Dion
The Honorable Archer L. Yeatts, III
Ms. D.J. Geiger
Mr. Kevin S. Hodges
Mr. Christopher R. Webb
The Honorable Richard D. Taylor, Jr.
Delegate Robert Hurt
Delegate Beverly Sherwood
Senator Kenneth W. Stolle
Senator Frederick M. Quayle

DCJS Staff Present

Leonard G. Cooke
Priscilla Bowers
John Colligan
Leon Baker
Fran Ecker
Eileen Guertler
Joe Marshall
Dan Catley
Janice Waddy
Mandie Patterson
George Gotschalk
Lisa McGee
Kim Freiburger
Monica Cooks
Paula Harpster
Sam Hoffman
Dan Catley

Guests

George Haudricourt

Call to Order

Chairwoman Beth Arthur called the meeting to order at 11:00 a.m. in House Room “D” of the General Assembly Building. She reminded guests and staff to please sign in for the purpose of the minutes.

Chairwoman Arthur also reminded Board members to please state their name when making a motion and when seconding, and to please speak clearly for the purpose of the minutes. She also asked members to please check their microphones to ensure that they were turned on at their respective seating areas.

Chairwoman Arthur asked Priscilla Bowers to take the roll. Ms. Bowers called the roll and stated that there was a quorum present.

Chairwoman Arthur reported that Mr. Alan Katz was present at the meeting today representing Ms. Marla Decker and Ms. Carol Sievers representing Mr. Helen Fahey. She then thanked them for taking the time out of their busy schedules to attend the meeting today.

Approval of Minutes

Chairwoman Arthur called for a motion to accept the minutes of the December 14, 2006 Criminal Justice Services Board meeting.

Mr. Alfred Dowe made a motion and Colonel Steve Flaherty seconded the motion. Chairwoman Arthur stated that the minutes were approved from the December 14 meeting.

Recusals: Sheriff Phelps

Director's Report

Chairwoman Arthur then called upon Director Cooke to give a brief Director's Report. Director Cooke thanked everyone for attending the meeting today and gave a brief report as follows:

Federal Budget

Director Cooke reported that Congress recently completed work on appropriations for fiscal 2007. He noted that the last Congress, the 109th, adjourned without taking final action on several appropriations bills for federal FY 2007, including the Justice Department's, which left it to the 110th to take care of the unfinished business which they did just a few weeks ago.

Director Cooke stated that the funding programs that DCJS were involved in, received at least as much as they got in federal FY 2006; and the Byrne Justice Assistance Grant Program was actually increased substantially. We do not know yet how that increase will affect Virginia's allocation of JAG funds, but we hope it will be sufficient to enable us to issue a solicitation for grant applications for new projects. We would expect to set the application due date in the summer or fall, and bring them to the Board for final action either in September or December. The timing will depend ultimately on when the Bureau of Justice Assistance intends to make the FY 2007 funds available to us.

The other significant news about FY'07 appropriations is that the Congress decided not to allow any "earmarks," as we expected and that will produce some repercussions in Virginia, as there are a number of initiatives in the criminal justice area that have received earmarked funds in recent years.

As for federal FY 2008, the President is proposing major revisions in the Department of Justice's financial assistance programs; converting programs like JAG, the Juvenile Justice & Delinquency Prevention Act and the Violence Against Women Act that now distribute funds to states and localities by population or crime rate formulas into competitive grant programs.

Director Cooke further stated that we have not seen any detailed information on how these would work; but we have heard through the National Criminal Justice Association that the President's proposed budget probably will not get much "traction" on Capitol Hill.

General Assembly/State Budget

Director Cooke reported that the General Assembly's 2007 session produced some legislation and budget amendments of interest. Director Cooke stated that a brief summary of bills and budget items of particular interest would be given shortly.

Follow Up From December

At the December meeting and at Mr. Dion's urging, board members voted to go on record supporting additional funding for Victim/Witness programs, as the special fund that supports these programs will soon be inadequate to maintain current services. The Board voted to request the Governor to issue a proclamation designating January as Stalking Awareness Month. Director Cooke stated that in both cases we followed up with the Secretary of Public Safety's office. Unfortunately, there was not sufficient lead time on the gubernatorial proclamation; the folks who handle these sorts of requests are in the constituent affairs office and need 4 to 6 weeks' lead time. We will try again for next January and allow sufficient lead time.

As many of you probably know, there was additional funding provided for Victim/Witness programs. The Governor's preferred means of accomplishing that, an increase in the fines assessed in criminal cases that are directed to the Victim/Witness Fund, was not adopted by the General Assembly. However, the legislature did appropriate money from the general fund to provide a significant supplement to the Victim/Witness Fund.

DCJS News-New Division

Director Cooke mentioned that the agency has done some restructuring in-house, creating a new Division of Policy, Planning and Research to give greater visibility and emphasis to those functions. Mr. Craig Hartley has recently come on board to head the new Division. Mr. Hartley comes to us from Greensboro, North Carolina where he was Assistant Chief of Police. He could not be with us today because of a longstanding commitment in North Carolina; so you'll get to meet him at the May Board meeting.

DCJS News-Coming Events and Calendar

Director Cooke mentioned that included in member packets today was a copy of the agency's conferences and events calendar for 2007 and stated that members were welcome to attend those events that may be of interest to them. He said we are always glad to have Board members join us at agency events and conferences.

Speaking of events, he further stated that we would be holding our Employee Recognition Awards ceremony on May 14 and invitations would go out shortly. He encouraged Board member attendance as the agency acknowledges the good work of the staff. This concluded Director Cooke's report.

Chairwoman Arthur thanked Director Cooke for his report and asked the Board if they had any comments or questions. There were none.

Committee on Training Report (COT)

Chairwoman Arthur then called upon Sheriff Phelps to give a brief report on the Committee on Training.

Sheriff Phelps reported that George Gotschalk gave a brief update on the changes and other items regarding staff within the Standards and Training Section. Mr. Gotschalk also gave a legislative update to include Roanoke County's establishment of an independent criminal justice academy. He also mentioned that there was discussion on Senate Bill 1308, which deals with the establishment of minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of §53.1-120 of the *Code of Virginia*.

Sheriff Phelps mentioned that there was also discussion on the Development of a Driver Training Lesson Plan for Jailors which was previously discussed at the September, 2006 meeting at one of the public hearings. At the September meeting a determination was made to establish a workgroup to develop a driver training lesson plan for jailors and a recommendation was brought back for a two-day training requirement.

Sheriff Phelps stated that Mr. Gotschalk also presented the Public Hearing on the Rules Relating to Instructor Standards and that the proposed changes were approved by the Committee on Training. Chairwoman Arthur then called for a motion for the Criminal Justice Services Board to approve these changes. Mr. Vaughn made the motion and Mr. McGrady seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the Board approve the recommendations of the Committee on Training on the Rules Relating to Instructor Standards.

Sheriff Phelps further advised that there was a second hearing on Regulations Relating to Property and Surety Bail Bondsmen as it relates to HB 3208. Ms. Lisa McGee presented a brief overview of the regulations and there were public comments. Due to time constraints, Sheriff Phelps suggested that the public hearing be concluded and continued at the next meeting of the Committee on Training. This concluded Sheriff Phelps's report.

Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments. There were none.

Victim/Witness Issues Subcommittee Report

Chairwoman Arthur reported that Mr. Dion had car trouble this morning and was expected to arrive late. She stated that we would hear Mr. Dion's report, when and if he arrived. There was no report given.

Certified Crime Prevention Community (Handouts)

Chairwoman Arthur called upon Mr. Walter McFarlane to give a brief report on the Certified Crime Prevention Community.

Mr. McFarlane reported that the Certified Crime Prevention Community Subcommittee met on March 7 to review the first two applications for re-certification as Certified Crime Prevention Communities. The two applications were submitted by the cities of Virginia Beach and Roanoke.

Mr. McFarlane mentioned that Mr. Rick Arrington and Ms. Tami Wyrick, DCJS staff met with members of the subcommittee and went through the re-certification applications and noted that both cities had been extremely active since they were first certified.

Mr. McFarlane further mentioned that Virginia Beach is a model for large cities of what to do right in the active approach to crime prevention. He stated that several areas stand out in particular, such as: The Crime Prevention Council, Neighborhood Watch, Functional Crime Analysis Capability, Business Outreach, D.A.R.E. , National Night Out, and Every Fifteen Minutes.

He then mentioned that Roanoke is a program that uses an approach to involve as many of its citizens as possible in its programs. Of particular note are the following: Crime Prevention Council, Crime Prevention Specialists, Business Watch, D.A.R.E., Crime Prevention Speakers' Bureau, and Project Lifesaver.

Mr. McFarlane stated that these re-certification applications are evident that these two cities did not slow up in their crime prevention programs just because of their original certification and that they have improved upon their original programs. He further stated that because of the short time between certification and re-certification, it was apparent that these two cities looked toward re-certification immediately after receiving their initial certification. Mr. McFarlane noted that as a result of the work of staff members, Tami Wyrick and Rick Arrington, the subcommittee's work was made easier and this has allowed for confidence in the fact that all the appropriate steps have been taken to assure that these two communities have met the test for re-certification.

This concluded Mr. McFarlane's report. Mr. McFarlane then made a motion that the Board accept the recommendation of the Subcommittee on Certified Crime Prevention Community that both the cities of Virginia Beach and Roanoke be re-certified.

Chairwoman Arthur thanked Mr. McFarlane for his report and asked the Board if they had any questions or comments. There were none.

Chairwoman Arthur then called for a second motion to approve the recommendations of the subcommittee. Mr. Green seconded the motion.

Chairwoman Arthur stated that it had been motioned and seconded that the recommendation of the Certified Crime Prevention Community Subcommittee be adopted that Va. Beach and Roanoke become a re-certified crime prevention community.

Recusals:	Mr. Alfred Dowe	Roanoke
	Chief A.M.”Jake” Jacocks	Virginia Beach
	Sergeant Charles Condon	Virginia Beach

Legislative Session (Handouts)

Chairwoman Arthur called upon Eileen Guertler to give a brief presentation on the 2007 Legislative Session.

Ms. Guertler reported that much of the focus of the 2007 Session was on transportation and immigration issues. She further stated that it was a 45-day session with amendments made to the second year of the Biennium Budget and 2,819 Bills and Resolutions were introduced. Overall, the Public Safety Secretariat was assigned 770 Bills to track. DCJS staff actively tracked 84 bills with 31 of those being passed by the General Assembly and sent to the Governor for action. Ms. Guertler gave a brief overview on the following bills of interest:

HB 3117 (Miller) - This bill increases the membership on the COT from 13 to 14 members which will add an active duty law enforcement officer representing police and fraternal organizations.

SB 1177 (Stolle) - This bill increases the maximum amount that can be paid out for a claim under the Criminal Injuries Compensation Fund from \$15,000 to \$25,000.

HB 2570 (Shannon) - This bill provides that no appellate decision shall contain the first or last name of the victim of a crime involving any sexual assault or sexual abuse upon the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia.

Mr. Guertler noted that these bills are currently pending in the Governor’s office and that all bills and budget amendments would take effect July 1, 2007.

Ms. Guertler also gave an update on DCJS’ appropriations impact in the following areas: Reentry Evaluation, Virginia Crime Victim/Witness Fund, Report Extension of Crisis Intervention Teams, Overall Increase in Court Appointed Special Advocate (CASA) Funding, Roanoke County Training Academy, Assumption of Federal Earmarks for Offender Reentry Programs, “599” Funding, and “599” Funding Supplement. This concluded Ms. Guertler’s report.

Chairwoman Arthur thanked Ms. Guertler for the update on the Legislative Session and asked the Board if they had any questions or comments.

Mr. Green made mentioned of HB 3034 and stated that this bill should be of interest to all as it relates to DNA samples. Informational.

Mr. Bushnell commented on SB 1308 and stated that this bill created a new breed of law enforcement, as DCJS is to provide training in certain areas.

Mr. McGrady posed a question pertaining to the Victim/Witness Fund, as to whether or not there is sufficient funding available now. He stated that his locality had been told that they have to seek other funding and also seek a match. Ms. Mandie Patterson of DCJS' Victims Services Section responded to his question and stated that we expect a decision next week and will relay the decision to the grantees at that time, and provide the Board with an update.

Blueprints Policy Forum (Handouts)

Chairwoman Arthur called upon Ms. Fran Ecker to give a brief report on the Blueprints Policy Forum.

Ms. Ecker reported that the Board had before them a packet that contained 6 individual policy papers produced from last year's "Blueprints" policy forum, held in Charlottesville. She noted that the 6 sessions included the following topics: Disproportionate Minority Contact with the Juvenile Justice System, Domestic Violence, Protective Orders and Firearms, Drug Enforcement Status in Virginia, Enhancing Virginia's Campus Security and Safety, Mental Health Issues in Jails and Detention Centers, and Regional Crime Informational Sharing Networks. She asked that Board members review these policy papers at their leisure.

Ms. Ecker also stated that on May 9 and 10, DCJS will hold its 2nd annual "Blueprints" Policy Forum at the Stonewall Jackson Hotel and Conference Center in Staunton, Va. Invitations will be sent out shortly to Board members to participate in a session pertaining to a particular area or specialty. All Board members will be invited and are encouraged to attend. A reception is scheduled for Wednesday evening. More information will follow.

Chairwoman Arthur thanked Ms. Ecker for her report and asked the Board if they had any questions or comments. There were none.

Comprehensive Community Corrections Act and Pretrial Services Act Annual Report to the Legislature (Handouts)

Chairwoman Arthur called upon Mr. Dan Catley to give a brief report on the Comprehensive Community Corrections Act and Pretrial Act Annual Report.

Mr. Catley gave a brief overview of the report and stated that as required by item 430, paragraph C3 of the 2005 Appropriations Act, this report summarizes the efforts of the Department of Criminal Justice Services to continue the implementation and development of the Comprehensive Community Corrections Act for Local Responsible Offenders and Pretrial Services Act. The report covered the period of July 1, 2005 to June 30, 2006. He further stated that FY2006 year-end summary data was also included in the report.

Chairwoman Arthur thanked Mr. Catley for his report and asked the Board if they had any questions or comments. There were none.

Old/New Business

Committees/Subcommittees (Handouts)

Chairwoman Arthur mentioned that at the December meeting, information was distributed to Board members pertaining to the committee/subcommittee memberships (current and proposed) and the responsibilities of the Board.

In that material, she indicated that she would create a new Law Enforcement Subcommittee, reconfigure the existing Corrections Subcommittee and eliminate the Justice Assistance Grant Program (JAG), Certified Crime Prevention and SRO/Community Policing Subcommittees.

In this new structure, JAG grants will be assigned for review based on the content of the applications. Law enforcement related grants will be handled by the new Law Enforcement Subcommittee, JAG grants with a juvenile justice emphasis will be handled by the Advisory Committee on Juvenile Justice, and so on.

Chairwoman Arthur stated that these changes came out of discussions between the Executive Committee and DCJS staff last fall and are intended to reduce the number of subcommittees, consolidate functions and, make better use of Board members' time and expertise.

She further mentioned that more recently, Director Cooke e-mailed Board members an updated version of the December information that included the names of the lead DCJS staff contact person for each committee or subcommittee. She reported that there were a couple of minor corrections and changes since that e-mail, and that members were given the most current copy of the information this morning. The e-mail also included a spring grant review schedule. She asked that Board members take note of the meeting dates for their committees/subcommittees.

Committees/subcommittees should decide amongst the members, who should chair those committees/subcommittees. As mentioned at the December meeting, please feel free to contact Len Cooke or Sheriff Arthur should members have concerns about their committee/subcommittee assignment.

Subcommittee Teleconferencing

Chairwoman Arthur reported that with regards to the issue of teleconferencing, the department had received an answer from the AG's office. Pursuant to § 2.2-3708 of the *Code of Virginia*, subcommittees of the CJSB may use electronic means of communication to discuss grant applications, so long as a physical quorum is present at the noticed meeting location. The AG's office has offered to assist the department with compliance to the requirements of § 2.2-3708. The department will follow-up with the AG's office on this and will advise the Board further.

Mattiaccio Appeal Hearing

As an additional update, Chairwoman Arthur stated that at the December Board meeting, she mentioned that the Department (DCJS) received notice from Ishneila Moore, Counsel for the CJSB, that Mr. and Mrs. Mattiaccio had informed the Director's office that they intended to appeal the Criminal Justice Services Board's decision to the Stafford County Circuit Court. In the case of the Mattiaccios, the department has not heard anything else on this appeal to Stafford County Circuit Court. The Mattiaccios had 33 days to file an appeal and to provide a copy of the notebook of the proceedings to the Circuit Court. They have failed to follow through, therefore we will ask for a dismissal should they put in a request at a later date.

Hall Appeal Hearing

Chairwoman Arthur mentioned that the department had received notice from the Law Office of Thomas O. Bondurant, Jr., P.C., and a request for an Appeal Hearing before the Criminal Justice Services Board regarding the revocation of Mr. Travis V. Hall's Private Security Registration. The Law office is requesting that a date be set for this appeal hearing.

Sheriff Arthur noted that the next CJSB meeting is scheduled for May 10, however, this will be an off-site meeting held in Staunton in conjunction with the "Blueprints" Policy Forum. Chairwoman Arthur recommended that we proceed with this appeal hearing at the June 14 meeting with a start date of 10:30 a.m.

Chairwoman Arthur further mentioned that staff is in the process of exploring the possibility of moving forward with a change in the *Code of Virginia* so the full Board does not have to participate in these appeal hearings in the future. DCJS staff has made contact with the AG's office to seek a change to the *Virginia Code* that would allow the Executive Committee to hear appeals of the decisions of the Director, in lieu of the full Board. The AG's office informed the department that if a statutory amendment is desired, Attorneys within the Special Prosecutions section would work with staff and others to draft appropriate legislation well in advance of the 2008 Session.

New Business

Chairwoman Arthur called for new business from the Board. There was none. She then called for public comment. There was none.

Next Meeting Date

Chairman Arthur reminded the Board that the next meeting of the Criminal Justice Services Board is scheduled for May 10, to be held in conjunction with “Blueprints”. She stated that the Policy Forum is scheduled for the 9th and the Board meeting is scheduled for the 10th, at approximately 1:30 p.m.

Chairwoman Arthur stated that prior to the Board meeting on the 10th she plans to convene an Executive Committee Meeting at 10:30 a.m. to discuss the potential *Code* change regarding appeal hearings.

As mentioned previously by staff, Board members are invited to submit policy topics for the upcoming “Blueprints” policy forum. Should you have a policy topic that you would like to be considered for one of the sessions or an upcoming “Blueprints” meeting, please feel free to e-mail Fran Ecker, at: fran.ecker@dcjs.virginia.gov. Invitations will be forthcoming to Board members and they would also receive additional information on the logistics in the coming days. Chairwoman Arthur encouraged Board member participation in this event.

Chairwoman Arthur thanked Board members for their attendance at the meeting today and noted that she would appreciate if members would make every effort to attend the meetings, as scheduled, for the remainder of the year.

Adjournment

There being no further business to be discussed, this concluded the meeting of the Criminal Justice Services Board. Chairwoman Arthur called for a motion to adjourn at 12:10 p.m. Mr. Green made a motion and Sheriff Phelps seconded the motion.

Respectfully submitted,

Priscilla Bowers
CJSB Secretary

Approved:

Sheriff Beth Arthur
Chairwoman